

**CAMDEN PLANNING BOARD  
MINUTES OF MEETING  
DECEMBER 8, 2011**

**PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Member Sid Lindsley; Don White, Select Board Liaison to the Planning Board; and CEO Steve Wilson

**ABSENT:** Alternate Member Nancy McConnell

The Meeting was called to order at 5:00 pm.

**1. PUBLIC COMMENT on NON-AGENDA ITEMS:**

Steve Laite, owner of the property at 1 Union Street, came forward to discuss the non-conforming aspects of his property. He wants to be able to build a containment building to use for temporary storage, but he is not allowed to expand. This business has been there for over fifty years, and was a gas station when the District was created. Mr. Laite no longer sells gas, but he has continued the vehicle repair business. Neither use is allowed in the B1 District otherwise what he is asking would be permitted.

Mr. Wilson added that this is not a question of obtaining a variance because non-conforming uses are not allowed to expand anywhere in Camden. He has spoken to Attorney Kelly about this issue, and has also learned that in most other towns in Maine non-conforming businesses are allowed to expand within the general regulations of the district where they are located. The business is not allowed to become non-conforming in any other way than its use with the expansion – lot coverage, building size, etc. must comply. But in Camden, if the use is non-conforming, there is no expansion period: no change in hours of operation – nothing can be changed from the day the ordinance came into effect. The Zoning Board of Appeals would have to find a hardship to grant a variance and find that there would be a loss of the value of the property, and Mr. Wilson does not believe that would happen. A Special Exception does not apply here either.

The Chair said that they would not debate the issue this evening, but it would be something they would talk about. He noted that there are two competing policies at work here: The Town wants to make full business use of properties possible so they are more productive; but non-conforming uses are not to be encouraged to prosper through expansion, but instead are meant to be phased out over time so the next use is conforming to the District. There are two possibilities here that would allow Mr. Laite to build: make the use a conforming use in the zone; or allow the expansion of non-conforming uses in the B1. The Board will add this proposal to their list of possible amendments and bring it to the public for discussion.

Mr. Sargent asked Mr. Laite if he could expand, did he have any idea how much square footage he could add. Mr. Laite described his proposal in more detail: He wants to build a three-bay building to store impounded and wrecked vehicles. The law now requires that any vehicles impounded during a drug bust be stored under lock and key until the police can conduct a full search. He also tows in totally wrecked vehicles and stores them until the insurance

adjusters can examine them and they are junked. Right now he must empty one of his work bays in his garage to store impounded vehicles, and that disrupts his repair business, and takes his time to shuffle cars in and out. He wants to be able to build a 30' x 28' building on the upper Union Street corner of his lot away from Route One. He will be able to move the wrecked cars he now stores outdoors into this building. There will be room to move some other items into the building as well. Teachers at the school across the street constantly complain to him about the wrecks in particular, and this would certainly improve the situation.

The Board will discuss the issue at a later meeting and will let Mr. Laite know how they will address his request.

## 2. MINUTES

November 17, 2011:

Page 1: Line 5: Mr. Householder is listed as both present and absent; he was absent.

Page 2: Line 11: "...exceeds the threshold ~~for review~~ under (1) for review."

Page 3:

Line 13: The sentence was completed as follows: "Mr. Wilson what other information is required to be submitted."

Line 20: The word "believe" was replaced with the word "believes".

Page 4:

Line 21: "...section of that road (?); the Select Board..."

Line 23: The last two sentences of the paragraph were deleted and replaced with the following: "Ms. MacKinnon asked if the issues should kept separate, with two different requests being sent forward; Mr. Wilson informed the Board that he will be making the requests of the State and will separate them."

Page 5: Line 35: The word "wither" was replaced by the word "whether".

Page 6: Line 3: "...on ~~their~~ his own property and take a risk that there his house may burn down.

**MOTION by Mr. MacLean seconded by Mr. Sabanty** to approve the Minutes of November 17, 2011 as amended.

VOTE: 5-0-1 with Mr. Householder abstaining due to his absence

December 1, 2011:

Page 1: Lines 31 and 35: The date of the Site Walk and Public Hearing are both December 8, 2011.

Page 4: Line 22: The word "loosing" was replaced by the word "losing".

**MOTION by Ms. MacKinnon seconded by Mr. Sargent** to approve the Minutes of December 1, 2011 as amended.

VOTE: 5-0-1 with Mr. Sabanty abstaining due to his absence

## 3. SITE PLAN REVIEW: Megunticook River Walk

**Town of Camden: Map 114 Lot 8: River Business District (B-R): 112 Washington Street**

1 The Applicant represented by Geoff Scott, Chair of the Camden Pathways Committee and  
2 member of the River Walk Coalition. The Chair went through the procedures for a public  
3 hearing and asked Mr. Scott to give a brief overview of the project.  
4

5 Mr. Scott reported that the pathway would be about 900' long and 6' wide surfaced in packed  
6 stone dust. It will begin at the SE corner of the old tannery lot along Rawson Avenue where  
7 there will be one ADA parking space. The entire path is designed to be ADA compliant and has  
8 a grade that never exceeds a 5% slope. There will be two viewing sites: one built like a deck at  
9 grade and another using a portion of the old foundation where it sits close to the river.  
10

11 The Chair noted there had been a Site Walk earlier that day with all members except Mr.  
12 Lindsley and Mr. Sabanty in attendance; both stated that they are familiar with the site. Mr.  
13 Scott and Bob Gassett, Chair of the Camden Conservation Commission had also attended.  
14

15 Mr. Lindsley asked if a part of the foundation that is to be used for a viewing platform is  
16 actually on Town property – he doesn't want to see Town property disappear into the pathway.  
17 Mr. Scott assured him it is part of the deeded pathway.  
18

19 The Board proceeded to review the Application against the informal punch list of items  
20 missing at the initial meeting: Article XII Section 3, Site Plan Content  
21

22 (a) *Owner's name and address:*

23 The required Application containing this information had been submitted.

24 (b) *Names and addresses of all abutting property owners:*

25 The Town Attorney had advised that the addresses listed on the Abutter's List are to come from  
26 the tax rolls, so the list submitted by the Applicant is acceptable. Those abutter's properties have  
27 been numbered and cross-referenced to the Tax Map.  
28

29 Discussion:  
30

31 The Chair asked Mr. Wilson if all abutters had received notice and Mr. Wilson stated for the  
32 record that, as far as he knew, they had been mailed. Mr. MacLean wants a paper trail. Mr.  
33 Wilson said that he could have a picture of the registered receipt cards attached to the actual  
34 envelopes for example. The Chair replied that doesn't prove they were mailed. Right now there  
35 is nothing in the members file that shows notice was actually sent, and that is what he is looking  
36 for. Beth Doan, who sends the notices, might simply certify that she sent notices to the addresses  
37 on the list.  
38

39 → Mr. Sargent asked if the Board should consider revising the Ordinance to make the Applicant  
40 responsible for the mailings and for submitting proof. Mr. Wilson will check to make sure that the  
41 Town is not mandated to do the mailing and the Board will discuss this further at another time.  
42

43 (e) *Zoning classification(s) of the property lines of the property to be developed and the source  
44 of this information.*

45 A titled sheet has been submitted showing zoning districts.

46 (g): *The location of all building setbacks required by this Ordinance:*

47 This has been added to the Site Plan.

48 (i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

1 An aerial photo showing driveways was submitted.

2  
3 In response to a question from Mr. Sargent about the easement and access over the path to  
4 the culvert and the river, Mr. Scott replied that language is in the easement, and that the Town, or  
5 the next owner of the property, actually has water rights to the river because of an old dam.

6  
7 The Chair opened the floor to comments from the public:

8  
9 Bob Gassett: The Conservation Commission wholeheartedly supports the pathway and have  
10 been totally involved in the planning process and work parties. On a personal note, as a member  
11 of the nearby neighborhood, Mr. Gassett informed the Board that the neighbors are in support of  
12 the work done so far and are looking forward to being able to use the trail.

13  
14 Jeff Kuller, Director of Parks and Recreation: The Department and the Parks and Rec  
15 Committee are both in full support of this project. This pathway will fulfill a long-time goal to  
16 bring a wheelchair accessible pathway to the village area; here has been a lot of support for a  
17 project like this for many years.

18  
19 Mr. Kuller was asked if this portion of the river floods. He replied that he thought there was  
20 a likelihood that a portion of the pathway could be under water at some point in time, and if the  
21 path washed out the Town will be responsible for repairs. He is looking forward, however, to  
22 very little maintenance. Mr. Sargent noted that the 100 year and 500 year flood plains are  
23 mislabeled in the legend on the Plan; they are labeled correctly along the river itself, but the  
24 legend reverses those label by color. Mr. MacLean suggested that the Town should be mindful  
25 of possible future costs that could result from flooding, but that is not within the scope of this  
26 review – it is a Select Board issue. Mr. Kuller said that in all the walking he has done along the  
27 proposed path, he has not seen any signs of recent flooding; the Dam Committee now very  
28 closely monitors and controls water levels leaving the lakes and coming down the river.

29  
30 Geoff Scott: In the Grant Application packet are letters from the Conservation Commission,  
31 Parks and Coastal Mountains Land Trust, the Pathways Committee, Friends of Pathways, the  
32 YMCA, the Midcoast Regional Health Coalition, the Regional Chamber of Commerce, and the  
33 Megunticook Pathway Association – all have spoken or written in support of the pathway.

34  
35 The 2005 Comprehensive Plan has two references to the pathway enhancing access to the  
36 lake and the river for non-motorized activities in Chapters 17 and 21.

37  
38 The Tannery Site Re-Use Committee first suggested incorporating a walkway for public  
39 access to the river 2005; a follow-up re-use committee recommended the same; in 2008 the  
40 Town voted to reserve 25' along the river for the River Walk; also in 2008 the Town voted to  
41 approve the easement held by Coastal Mountains Land Trust and reserved the property for  
42 perpetuity; CEDAC lists the pathway as one of the top ten economic development issues; and the  
43 Master Plan created by the Pathways Committee included development of the Megunticook  
44 River Walk. There is huge community support.

45  
46 Mr. Scott thanked Will Gartley of Gartley and Dorsky Engineering and Surveying for all of  
47 the pro bono work he did to create the Site Plan.

1 The Chair closed the Public Hearing and moved to review of the Site Plan:

2  
3 **Section XII: Site Plan Content**

4 The Site Plan under review is: C1: Town of Camden Tannery Walkway dated November 12,  
5 2011. A packet of submission accompanied the Application which was dated December 5, 2011.

6 (a) *Owner's name and address*

7 Provided on Application.

8 (b) *Names and addresses of all abutting property owners*

9 Provided as Attachment I.

10 (c) *Sketch map showing general location of the site within the Town*

11 Provided as Attachment II.

12 (d) *Boundaries of all contiguous property under the control of the owner or applicant regardless*  
13 *of whether all or part is being developed at this time.*

14 Shown on C1 taken from Town's survey of the property.

15  
16 (e) *Zoning classification(s) of the property lines of the property to be developed and the source*  
17 *of this information.*

18 Provided as Attachment III.

19  
20 (f) *The bearing and distances of all property lines of the property to be developed and the source*  
21 *of this information. The Board may require a formal boundary survey when sufficient*  
22 *information is not available to establish on the ground, all property boundaries.*

23 Shown on C1: taken from the Town survey and the easement language.

24  
25 (g) *The location of all building setbacks required by this Ordinance.*

26 Shown on C1

27  
28 (h) *The location, dimensions, front view, and ground floor elevations of all existing and*  
29 *proposed buildings in the site.*

30 No new buildings are proposed.

31  
32 (i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

33 Shown on C1. Received sign-off letters from the Chief of Police and Director of Public Works  
34 re: parking space.

35  
36 → **Missing Information: The parking space on Rawson Avenue is not dimensioned.**

37  
38 (j) *Location of intersecting roads or driveways within 200 feet of the site.*

39 Provided as Attachment IV.

1 (k) *The location and dimensions of all provisions for water supply and wastewater disposal*

2 Not applicable: there will be no utilities servicing the pathway.

3 (l) *the location of open drainage courses, wetlands, stands of trees, and other important natural*  
4 *features, with a description of such features to be retained and of any new landscaping planned.*

5 The Board agreed that the Applicant had supplied sufficient information with regard to this  
6 requirement.

7 (m) *Location and dimensions of any existing easements and copies of existing covenants or deed*  
8 *restrictions.*

9 Provided as Attachment V

11 (n) *Location, front view, and dimensions of existing and proposed signs.*

12 Information, description, location and pictures provided.

14 (o) *Location and type of exterior lighting.*

15 Not applicable – the pathway will not be lighted.

17 (p) *Copies of applicable State and Federal approvals and permits, provided, however, that the*  
18 *Board may approve site plans subject to the issuance of specified State approvals and permits*  
19 *where it determines that it is not feasible for the applicant to obtain them at the time of site plan*  
20 *review.*

21 → Attachments VI, VII, VIII and IX reference permits and permissions required. Absent the  
22 actual permits required, the Board can move forward making their approval subject to the issuance  
23 of required permits.

25 (q) *A signature block on the site plan, including space to record a reference to the order by*  
26 *which the plan is approved.*

27 Included on C1.

29 4. No Supplemental Information was required.

31 **MOTION by Mr. MacLean seconded by Mr. Lindsley** to find the Plan complete with the  
32 exception that approval will be contingent upon the Applicant providing dimensions for the  
33 parking area as required by Section 3(i); that Approval be subject to the issuance of specified  
34 State approvals and permits that are applicable to this Application; contingent upon the  
35 correction of the Legend of the Plan and the size of the sign; and based upon the finding that no  
36 Supplemental Information under Section 4 was required.

37 VOTE: 5-0-0

### 39 **Site Plan Approval Criteria**

40 (1) *Preserve and Enhance the Landscape*

1 **MOTION by Ms. MacKinnon seconded by Mr. Sabanty** that Preserve and Enhance the  
2 Landscape is satisfied insofar as they are not doing any landscaping and the entire purpose of the  
3 project is to enhance the use of the land as part of a community beautification project.

4 VOTE: 5-0-0

5 *(2) Erosion Control*

6  
7 Discussion: Ms. MacKinnon asked if any fill was being brought in and Mr. Scott replied yes: the  
8 design call for removing the top 4" of soil and lining the walkway with  $\frac{3}{4}$ " gravel to be topped  
9 with sand dust (the design is shown on a walkway section on the Plan). All that material will be  
10 brought in, and they will truck the old soil away from the site.

11  
12 Mr. Householder asked about removing soil at the retaining wall and filling in near the slab  
13 to create a ramp: Mr. Scott said the Conservation Corps workers suggest there is enough room to  
14 squeeze the path on the far side of the retaining wall so they don't have to adjust the grade at that  
15 point – that is the plan now. The concrete pad at the SE corner, depending on where the path  
16 meets up with it, is 10" - 20" above grade. The engineer feels there should be material brought  
17 in, but the Conservation Corps says that is they need to mitigate the area to be ADA compliant it  
18 should be board walked because it is easier, faster and cheaper.

19  
20 Mr. Householder is concerned about run-off so close to the river and Mr. Scott replied that  
21 the Plan shows silt barrier all along the river because they are removing four inches of topsoil  
22 along the entire path. The Plan states that the preferred method of control is a mulch berm which  
23 will be leveled and left on site after the work is done.

24  
25 Mr. Householder asked about removing the old soil, and Mr. Scott replied that the plan is to  
26 used motorized wheelbarrows to move the material to the dump trucks. He went on to say that  
27 there were two reasons the group chose to work with the Conservation Corps: points are earned  
28 in the grant grading process; and the Corps is used to building these kinds of projects so they  
29 know tricks to avoid problems – like using the wheelbarrows so trucks don't cause problems  
30 being so close to the river.

31  
32 Mr. Sargent asked when the work would be done: the grant will be awarded in March or  
33 April and work must be completed within two years. Jeff Kuller will represent the Town during  
34 construction, and he will be the day-to-day contact with the Corps. Mr. Kuller said that they  
35 have put a place-holder in with the Corps reserving them for this work next summer. The Corps  
36 is under MDOT supervised by the grantor. Mr. Sargent asked if he has obtained quotes from a  
37 for profit, but Mr. Kuller says they are very inexpensive: a six-man team works for a week for  
38 \$3700; the price is low probably because part of the team are Americorps volunteers who don't  
39 get paid as well.

40  
41 **MOTION by Mr. Sargent seconded by Mr. Householder** that based on the Sediment and  
42 Erosion Control features shown on the Plan and the assurance from a Town representative that  
43 he will be on the site during the construction process to ensure compliance that the Applicant has  
44 satisfied the Erosion Control requirement.

45 VOTE: 5-0-0

46  
47 *(3) Relationship of the Proposed Building to Environment and Neighboring Buildings*

1  
2 **MOTION by Ms. MacKinnon seconded by Mr. Sargent** that Relationship to Proposed  
3 Buildings is satisfied with the type of structure which will be a boardwalk and a  
4 pathway which will not interfere with solar access.

5 VOTE: 5-0-0

6 *(4) Vehicular Access, Parking, and Circulation*

7  
8 Discussion:

9 The Chair asks if the access to the parking spaces constitutes an exit driveway; if so then sight  
10 distances must be considered. Mr. Sargent does not believe it is because drivers will be driving  
11 into the spaces, not into a lot.

12  
13 Mr. Householder is concerned about the pedestrian who is exiting the pathway at the exact spot  
14 that a car is pulling into a parking space; what protects that pedestrian from getting hit? He  
15 believes there should be some barrier to keep the car from driving into the area adjacent to, and  
16 in line with, the exit to the pathway. The Board discussed the issue and determined that it was  
17 impossible to place a barrier within the space allocated for parking, but some barrier could be  
18 placed at this end of the pathway to alert walkers that they were leaving the pathway. The Board  
19 was thinking of boulders, but Mr Kuller suggested the barrier needed to be removable for the  
20 times when motorized equipment needs to travel the pathway to make repairs or to access the  
21 river; Mr. Wilson recommended a style of removable bollard that is placed into a sleeve set into  
22 the ground to keep the bollard stable. Mr. Scott says that these kinds of warning barriers alerting  
23 walkers they have reached the end of the path are common all around the country. Mr. Lindsley  
24 suggested they should be placed at both ends of the path, and Mr. Scott agreed.

25 → These bollards will need to be added to the Site Plan and details on design provided.

26  
27 **MOTION by Mr. MacLean seconded by Ms. MacKinnon** that Vehicular Access, Parking and  
28 Circulation is met because the required findings meet the approval criteria contingent upon  
29 modifying the Site Plan with boulders or some sort of sleeved-post for protection to be placed at  
30 both ends of the walkway for the safety of pedestrians.

31 VOTE: 5-0-0

32  
33 *(5) Surface Water Drainage*

34  
35 **MOTION by Mr. Sargent seconded by Ms. MacKinnon** that there is no requirement to do any  
36 additional surface water drainage improvements because the impact to surface water drainage  
37 will be marginal.

38 VOTE: 5-0-0

39  
40 *(6) Public Utilities: The development shall not impose an unreasonable burden on sewers and*  
41 *storm drains, water lines or other public utilities. New utilities shall be sized and existing*  
42 *utilities upgraded to adequately handle the demands of the development.*

43  
44 **MOTION by Ms. MacKinnon seconded by Mr. Householder** that #6 Public Utilities is not  
45 applicable because they are not using any public utilities in this project.

46 VOTE: 5-0-0

1 (7) *Special Features of Development*

2 (Exposed storage areas, exposed machinery installation, service areas, truck loading areas,  
3 utility buildings and similar structures shall have setbacks and screening to provide a buffer  
4 to sight and sound sufficient to minimize their adverse impact on other land uses within the  
5 development area and on surrounding properties.)

6 **MOTION by seconded by** that Special Features of Development is not applicable because it  
7 does not have any special features of development.

8 VOTE: 5-0-0  
9

10 (8) *Exterior Lighting*  
11

12 **MOTION by Ms. MacKinnon seconded by Mr. Householder** that Exterior Lighting is not  
13 applicable because there is no exterior lighting.

14 VOTE: 5-0-0  
15

16 Discussion: Mr. Sargent asked if there had been any discussion on how to keep kids from  
17 hanging out – if there is no lighting will it create a problem for neighbors if kids find this a good  
18 place to go after dark? Mr. Scott replied that there had been a great deal of discussion on the  
19 subject, so much so that the easement specifies that the Town has the right to add lighting if that  
20 is the decision in the future. Some people wanted lighting – mostly the neighbors – and some  
21 didn't. People opposed to lighting suggested that this is not the kind of place kids want to go –  
22 they don't like to be in places frequented by adults, and this walkway will be that. Regarding the  
23 specific open times which will be included on the signs – that is a policy decision to be made by  
24 the Select Board, and they have not decided this issue yet. Those who were in favor of lighting  
25 would specify down-lighting, but it was also discussed that lighting would bring people to the  
26 area after dark and that was may not be desirable.  
27

28 *Emergency Vehicle Access*  
29

30 **MOTION by Mr. MacLean seconded by Ms. MacKinnon** that Emergency Vehicle Access is  
31 not applicable because it is not the kind of building or structure the Ordinance seems to be  
32 speaking to.

33 VOTE: 5-0-0  
34

35 (10) Special criteria for Piers, Wharves, Breakwaters...

36  
37 **MOTION by Mr. MacLean seconded by Ms. MacKinnon** that #10 is not applicable because  
38 there is no pier, wharf, etc.

39 VOTE: 5-0-0  
40

41 (11) Design standards for new construction, additions or exterior renovations in the B-1, B-TH or  
42 B-TR Zoning Districts...

43  
44 **MOTION by Mr. MacLean seconded by Mr. Sabanty** that Design Standards is not applicable  
45 because there is no new construction.

46 VOTE: 5-0-0  
47

1 **MOTION by Ms. MacKinnon seconded by Mr. Householder** that the Board approves the  
2 Tannery Walk Way Site Plan contingent upon the Applicant making the four aforementioned  
3 revisions to the Site Plan, and subject to receiving all applicable permits.

4 VOTE: 5-0-0

5  
6 Mr. Wilson will prepare a letter for the Coalition to use in their grant application.

7  
8 **5. SELECT BOARD LIAISON REPORT:**

9 This item was taken out of turn to accommodate Mr. White.

10  
11 Don White had been asked by Mr. Householder to find out if there were funds left in the Verizon  
12 account that might be used for the Town's directional sign project. He does not yet have an  
13 answer but hopes to report back at the first meeting in January.

14  
15 He has been in touch with the Town Manager with regard to the Comprehensive Plan  
16 Committee. She is working to choose a couple of dates in January prior to the Select Board's  
17 January 17, 2012, meeting where members of the Planning Board, members of the Select Board  
18 and the Town Manager can sit down in a workshop to discuss the Comprehensive Plan process in  
19 more detail.

20  
21 Mr. Sabanty left the meeting at this point.

22  
23 **4. PRIVATE WAYS – DEFINITION CHANGE:**

24  
25 Mr. Wilson circulated an email with his proposal to make changes to the Ordinance  
26 regarding driveways and private ways (see attached). He made a change to address farm and  
27 timber harvesting roads by exempting them from the standards because they are regulated by the  
28 State.

29  
30 Mr. Sargent stated that he found the definition of Private Way confusing. The wording calls  
31 out a private way when it leads to a lot or a principal use and is over 500' long. Mr. Sargent  
32 believes that by saying lot it does not address the purpose – and that is to provide for emergency  
33 vehicle access when a structure is located over 500' from the road. Mr. Wilson said that it was  
34 kept general in nature by using the term "lot" in order to address the instance when someone  
35 wanted to put in a road but not a structure. Then when the structure was built the road would  
36 conform. Mr. Lindsley also had concerns about how the definition of extensions to existing  
37 private ways is worded – that portion of the definition seemed to limit when the provision would  
38 apply, and that was not the intention.

39  
40 Mr. Sargent noted that the issue is to provide for safe emergency vehicle access on roads that  
41 are longer than 500', and it has gotten complicated. The Recording Secretary had drafted a  
42 different definition that will be circulated to Board members for discussion at the next meeting;  
43 the Board is under no time constraints to finish this amendment.

44  
45 **6. DISCUSSION:**

46  
47 *Other:*  
48

1 Ms. MacKinnon: She wants to bring the Laite proposal back for discussion soon. The Chair  
2 agrees that it should be discussed, but cautioned that the Board must always be aware of the  
3 collateral consequences of a change. They have to look at how the use in this area has evolved  
4 over time to see if it has become more residential over time. Mr. Wilson offered to check to see  
5 what properties in Town have existing non-conforming uses. Mr. MacLean also wants him to  
6 gather information on the trends in the district, and Mr. Wilson commented that this is unusual in  
7 that all the surrounding uses are conforming. Ms. MacKinnon feels that the fact that Stop-and-  
8 Go is next door, Route One and a major intersection right there and business further up Union  
9 Street – Union Street is different. She also does not see this as an expansion, but as an  
10 improvement that will improve the looks of the property – the neighbors may actually like it.  
11 Mr. MacLean says the threshold question to him is whether or not the Town wants to see this  
12 area become more conforming over time; requiring this business restricted will almost guarantee  
13 that in time it will disappear and the next use will be conforming. Mr. Wilson can also look at  
14 how other towns handle non-conforming uses. Ms. MacKinnon finds it onerous when stuff is  
15 visited upon an existing businesses after the fact. Mr. Lindsley says the purpose is not to put  
16 these places out of business, but that when the Ordinances were written people in this area were  
17 quite concerned about expansion, and that is why it was included. Ms. MacKinnon believes that  
18 this is the purpose of public hearings – to judge the sentiment. The Chair asked if people had  
19 come to the Town before complaining about the look of this property, and the CEO responded  
20 they had. This was one of the properties that is an example used for the Property Maintenance  
21 Code. Mr. Wilson said he has requests from owners of non-conforming businesses who want to  
22 make improvements but cannot – and Ms. MacKinnon interjected that is her point; Steve Laite  
23 should be allowed to make improvements.

24  
25 Mr. Sargent: He wants Mr. Wilson to check again about Notification to Abutters. He can find  
26 no place in the Site Plan Ordinance that requires the Town to give notice. Mr. Wilson wants to  
27 check the Land Use Laws to make sure it is not mandated that the Town do this.

28  
29 Mr. Wilson is getting ready to order the new version of Maine's Planning and Land Use Laws if  
30 anyone on the Board wants a copy. Mr. Lindsley believes the Town should provide one to each  
31 member and the Recording Secretary.

32  
33 1. *Minor Field Adjustments:*

34 There were none, but there will be something coming from Hannaford who wants to relocate  
35 their propane tank out back. Mr. Wilson discussed this with the Chair and both feel it will be a  
36 minor adjustment to the approved Site Plan.

37  
38 2. *Driveways and Private Ways:*

39  
40 → The Board will finalize the draft at their next meeting and hold it for the Public Hearing on  
41 amendments in March of 2012.

42  
43 3. *Future agenda items, discussion issues and ideas:*

44  
45 January 5, 2012:

46  
47 Private Ways: The Board will discuss the various options for definitions.  
48 MUBEC changes

1 Mobile Food Vendors – Mr. Wilson will make up folders for Board members to pick up  
2 before the next meeting with all the material that has been gathered on the subject.  
3

4 4. *Pending Applications:*  
5

6 The Beaucaire Avenue/Start Road Site Plan will probably be before the Board again in  
7 February or early March.  
8

9 Wayfarer is evidently still planning on coming back to renew their Site Plan, but there is no  
10 word on when that will be.  
11

12 → There are several members who need updated Ordinances; the CEO will obtain them.  
13

14 There being no further business before the Board they adjourned at 7:30 pm.  
15  
16

17 Respectfully submitted,  
18  
19

20 Jeanne Hollingsworth,  
21 Recording Secretary  
22

2  
3 **The Question is** : if a landowner in Camden needs a driveway 500'+ long to reach his own  
4 proposed dwelling location, all the proposed driveway is on the landowners own property so it  
5 will not require a right of way for access, then is the driveway a "Private Way" requiring  
6 Planning Board review?

7 **From the Land Use Ordinance Art III**

8 **DRIVEWAY:** A vehicular access from a public or private way to a structure or use on a lot.  
9 Driveways shall be a maximum of twenty (20) feet wide. A driveway may cross front, side and  
10 rear setbacks and may be utilized for parking. A driveway is less than five hundred (500) feet in  
11 length serving two single-family dwellings or one two-family dwelling, or less. (*Amended*  
12 *11/10/09*)

13 **From Article XIV**

14 The purpose of the regulation of private ways is to control the development, construction or use  
15 of private ways providing vehicular access to a lot or a principal use in such a manner as to avoid  
16 safety hazards and undue burdens on municipal services, including emergency vehicle  
17 accessibility. In order to accomplish that purpose, this article shall apply to the following  
18 activities:

19 (1) The development, construction, or use of a private way constructed after June 9, 1998, which  
20 has a length of more than 500', for the purpose of vehicular access to a lot of land or a principal  
21 use on a lot or to meet the frontage requirements in the ordinance; and

22 (2) The extension of or addition to a private way constructed on or before June 9, 1998) which  
23 provides vehicular access to serve additional lots or additional principal uses which were not  
24 served by the existing private way, in combination with an existing private way, which is more  
25 than 500', in length (such length shall be measured from the terminus of the portion of an  
26 existing private way which meets the approval criteria set forth in this ordinance in Article  
27 XIV(Section 4), or, in the event that no portion of the existing private way meets those approval  
28 criteria, then such length shall be measured from a Town road or approved subdivision right-of-  
29 way which does meet the approval criteria set forth in that section of the ordinance).

30 **Section 8. Definition of Private Way**

31 For purposes of Article XIV only, a private way shall mean a right-of-way used for vehicular  
32 access from a public way or a Town road to a lot or a principal use on a lot in the event that the  
33 right-of -way used for that vehicular access is more than 500' in length, or for an extension of  
34 existing private way with a length of more than 500', with the length measured as set forth in  
35 Article XIV Section 1.(2). Private ways constructed and used after June 9, 1998 shall meet the  
36 requirements of Article XIV (as amended) of the Zoning Ordinance.

37 ***The Issue***

38 *It seems we have a issue by definition, Article 14 defined a "Private Way" as a Right of Way*  
39 *over 500' in length so a driveway of 500+' within the applicants own property would not*  
40 *require Planning Board review under article 14 , but a driveway cannot be over 500' in length.*  
41 *I am left thinking that a private way over 500' in length but that is entirely on the applicants*  
42 *property and does not involve a right-of-way falls under the code officers review.*

1   **The Fix?**

2   **DRIVEWAY:** A vehicular access from a public or private way to a structure or use on a lot.  
3   Driveways that shall be a maximum of twenty (20) feet wide and shall be less than five hundred  
4   (500) feet in length serving a maximum of two (2) single-family dwellings or one (1) two-family  
5   dwelling. A driveway may cross front, side and rear setbacks and may be utilized for parking. A  
6   driveway is less than five hundred (500) feet in length serving two single-family dwellings or  
7   one two-family dwelling, or less. (*Amended 11/10/09*)

8   **Section 8. Definition of Private Way**

9   For purposes of Article XIV only, a private way shall mean a vehicular access from a public or  
10   private way right-of-way used for vehicular access from a public way or a Town road to a lot or  
11   a principal use on a lot, including but not limited to one or more dwelling units, in the event that  
12   the right-of -way used for that vehicular access is more than which is 500' or more in length, or  
13   serving three single-family dwellings units or more, and for or an extension of existing vehicular  
14   access way, road or driveway private way with an existing length of more than 500' or more,  
15   with the length measured as set forth in Article XIV Section 1.(2). Private ways constructed and  
16   used after June 9, 1998 shall meet the requirements of Article XIV (as amended) of the Zoning  
17   Ordinance. This definition does not apply to a road constructed, maintained, and used exclusively  
18   for agriculture or forest management activities.